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June 6, 2006

The Honorable Sue L. Robinson  
United States District Court for the District of Delaware  
844 North King Street, Room 4209  
Lock Box 31  
Wilmington, DE 19801

**RE: *Simms v. Freedman, et al.*  
C.A. No. 04-1205 SLR**

Dear Judge Robinson:

I write on behalf of my client in the above referenced matter, Dr. Harry Freedman. As Your Honor is aware, plaintiff Jeffrey Simms initiated this matter in July 2004. An Answer to the Complaint was filed on behalf of Dr. Freedman on October 5, 2005. Subsequently, on February 22, 2006 a Motion for Summary Judgment was filed on behalf of Dr. Freedman. Mr. Simms was served with a copy of this Motion. To date, Mr. Simms has not responded to Dr. Freedman's Motion for Summary Judgment. Accordingly, Dr. Freedman contends that this Motion should be deemed unopposed and respectfully requests that it be granted.

The Honorable Sue L. Robinson

*Simms v. Freedman*

C.A. No. 04-1250 SLR

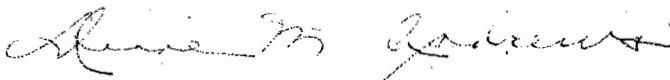
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In the event that Your Honor would prefer oral argument on this Motion, I am available to proceed at the convenience of the Court.

On behalf of Dr. Freedman, thank you for your consideration of this request.

Very truly yours,



DIANE M. ANDREWS

CC: Jeffrey Simms

Daniel L. McKenty, Esquire

Dana M. Spring, Esquire

Ralph K. Durstein, III, Esquire

Jeffrey M. Austin, Esquire

Harry Freedman, M.D. (personal and confidential)

Steve Seitzman (file no. 5315-1)

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